

### **AMENDMENTS TO THE DRAWINGS**

The attached replacement sheet of drawings includes changes to Fig. 13 and replaces the original sheet including Fig. 13. In Fig. 13, the depiction of the layer **588** has been shortened so as not to extend the entire length of the lower member **520**.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

### **REMARKS**

Claims 1-11, 14, 15, 17-19, 25-29 and 34-47 were pending in this application. By this Amendment After Final, claims 1, 5, 6, 8, 14, 17-19, 34-36, 39, 40 and 44 have been amended and claims 2-4 have been cancelled.

Claims 1-6, 10, 17-19, 25, 29, 35, 36, 40, 41 and 45-47 stand rejected under 35 U.S.C. §102(b) as being anticipated by McCoy, U.S. Patent No. 4,764,172. Claims 1-7, 10, 14, 15, 17-19, 25-29 and 35-47 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shorter et al., U.S. Patent No. 5,116,383. Claims 8, 9, 11 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Shorter et al. patent

Claim 1 has been amended to recite a prosthetic foot for connecting to a leg portion having a support axis. The prosthetic foot includes: a lower member having anterior and posterior regions, a top and a bottom; a post extending from the top of the lower member, the post fixedly connected to the lower member and positioned to be in substantial alignment with the support axis of the leg portion; an upper member having anterior and posterior regions and a ball joint positioned therein, the ball joint having an opening in which the post is received; and first and second separated buffers, the first buffer positioned between the lower member and the anterior region of the upper member and the second buffer positioned between the posterior regions of the lower member and the upper member. A number of the remaining claims that depend from claim 1 were also amended for consistency and to change dependencies as required. Support for these amendments may be found in the specification, including the drawings. No new matter has been added.

The patent to McCoy, on the other hand, discloses an articulated ankle including a foot plate 18 and a leg plate 20. The leg plate 20 is secured to the base of the leg prosthesis 12 by a centralized screw 22 and foot plate 18 is secured to the foot prosthesis 14. Mounted between these two plates are a stem assembly 30 located posterior to screw 22 and a resistance assembly 34 located anterior to the screw 22. The stem assembly includes a support rod 36 secured to the foot plate 18 at base flange 38 and a spherical bearing mounted in bearing housing 44 which is attached to leg plate 20. The rod 36 is inserted in the spherical

bearing. A coil spring 52 is positioned between the foot plate 18 and the bearing housing 44. The resistance assembly 34 includes a second coil spring 58 mounted between two end caps 60.

As shown clearly in the figures and described in the specification, the support rod 36 whose upper end 40 is received within the spherical bearing is not “positioned to be in substantial alignment with the support axis of the leg portion.” Instead, the stem assembly and the resistance assembly are positioned with one behind the support axis and one in front of the support axis and are configured to balance the weight of the user as applied by the leg prosthesis 12. Therefore, McCoy fails to anticipate or render unpatentable amended claim 1. The remaining pending claims from claims 5 to 34 depend from amended claim 1 and, thus, are patentable for at least the same reasons. Therefore, Applicants respectfully request withdrawal of the rejections and allowance of these claims.

The patent to Shorter et al. discloses a lower limb prosthesis including an energy restoring foot 10 and a resilient ankle joint 13. The ankle joint 13 includes a ball and socket joint 42. The socket member 44 is formed by the lower end of a shin member and houses a ball member 46 that is bolted to the upper plate 12A of the energy storing foot 10. The ball member 46 and a resilient covering 48 are clamped within the socket member 44 by a ring and a clip 50, 52. The shin member end portion 44 has a depending skirt 44A extending around and spaced from a connection shank 46A of the ball member 46. Positioned between the skirt 44A and the shank 46A is a resilient snubber ring 54, which the Office Action asserts is equivalent to both the first and second buffers of the pending claims.

As stated above, amended claim 1 now recites that the first and second buffers are separated with the first buffer positioned between the lower member and the anterior region of the upper member and the second buffer is positioned between the posterior regions of the lower and upper members. Shown clearly in the figures and described in the specification, the snubber ring 54 is a continuous ring (*see Fig. 4*) positioned around the shank of the ball member and, thus, is not first and second “separated” buffers.

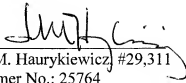
In addition, the part of the snubber ring asserted to be equivalent to the second buffer is not positioned between the posterior regions of both the upper and lower members. The posterior region of the lower member, or upper plate portion 12A, is where the “upper and lower keel portions 12A and 12B are joined together at their posterior ends adjacent the heel 10A of the foot by integral curved connection portion 12C.” [Col. 3, Lines 3-6] The posterior portion of the snubber ring positioned under the posterior region of the shin member 44 is clearly not over the posterior region of the lower member 12A. Therefore, the Shorter et al. patent fails to anticipate or render unpatentable amended claim 1. The remaining pending claims from claims 5 to 34 depend from amended claim 1 and, thus, are patentable for at least the same reasons. In particular, claims 8, 9, 11 and 34, which were rejected under 103(a) are not rendered unpatentable over Shorter et al. for at least the above reasons. Therefore, Applicants respectfully request withdrawal of the rejections and allowance of these claims.

Independent claims 35 and 40 have also been amended in like manner as amended claim 1. Therefore, Applicants assert that amended claim 35 and 40 are also patentable over McCoy and Shorter et al. for at least the same reasons presented above. In addition, the pending claims depending from either claims 35 or 40 are also patentable for at least the same reasons. Thus, Applicants respectfully request withdrawal of these rejections and allowance of all claims.

In conclusion, all of the claims remaining in this application should now be seen to be in condition for allowance. A prompt notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

FAEGRE & BENSON LLP

By:   
John M. Haurykiewicz #29,311  
Customer No.: 25764

Dated: May 22, 2007  
fb.us 2059159.01